



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,223	03/28/2001	Terry L. McMahon	6714.01	2165

25763 7590 10/03/2006

DORSEY & WHITNEY LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
SUITE 1500  
50 SOUTH SIXTH STREET  
MINNEAPOLIS, MN 55402-1498

EXAMINER
----------

NELSON, FREDA ANN

ART UNIT	PAPER NUMBER
----------	--------------

3639

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/820,223	<b>Applicant(s)</b> MCMAHON ET AL.	
	<b>Examiner</b> Freda A. Nelson	<b>Art Unit</b> 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The amendment received on July 18, 2006 is acknowledged and entered. Claims 18-20 and 22 have been amended. Claims 1-17 have been canceled. No claims have been added. Claims 18-22 are currently pending.

### ***Response to Arguments***

Applicant's arguments filed July 18, 2006 have been fully considered but they are not persuasive.

In response to applicant's arguments that Henson does not disclose or teach a *"method for building a custom specification and a quote for a piece of equipment in which an updated and accurate final price of the piece of equipment is presented from a salesperson of the equipment"*, the examiner respectfully disagrees. Henson discloses, *"in the later instance, the previous online store allowed such customers to answer one of their questions, but not all of them. Those customers still needed the assistance of a sales representative" (see col. 2, lines 39-41); and "it was the order management system which would inform a sales representative to communicate with the customer. Typically, the sales representative would inform the customer of a final order amount and confirmation of the order" (see col. 1, lines 54-59); and "another element of the online store includes, for a business customer, the inquiry of what type of business is the customer in, so that the customer may be appropriately routed to a proper handling sales force, subsequent to an online purchase, in the event that further assistance is required (col. 13, lines 6-11)".*

***Claim Rejections - 35 USC § 112***

1. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: generating and presenting to a salesperson a subtotal cost for the various components of the piece of equipment and a total cost for the custom specification for the equipment.

As per claim 18, the examiner is unable to determine who is presented with the updated and final price?

As per claim 18, the examiner is unable to determine the difference between the subtotal cost, the total cost, and an updated and accurate final.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Henson (Patent Number 6,167,383).

As for claim 18, Henson discloses a method in a computerized system for building a custom specification and a quote for a piece of equipment, comprising:

electronically soliciting from and selecting by a user a general specification of the equipment (col. 1, lines 18-21; col. 2, lines 61-67);

electronically soliciting from and selecting by the user different upfit options for various components for building the custom specification for the equipment (FIG. 3A-3B and FIGS. 4-6);

automatically generating and presenting to the user a subtotal cost for the various components of the piece of equipment and a total cost for the custom specification for the equipment (col. 6, lines 21-34; FIGS. 3A-3B and FIGS. 4-6); and presenting an updated and accurate final price of the piece of equipment from a salesperson of the piece of equipment (*see col. 2, lines 39-41*).

As for claim 19, Henson discloses the method of claim 18, further comprising:

Interactively selecting by the user a different option of the components (col. 6, lines 21-34; FIGS. 3A-3B and FIGS. 4-5); and

automatically updating and presenting to the user the different option and associated subtotal cost and total cost for the custom specification for the piece of equipment (col. 6, lines 21-34; FIGS. 3A-3B and FIGS. 4-6).

As for claim 20, Henson discloses the method of claim 19, further comprising automatically updating the options and costs after an interrelated option has been selected (col. 6, lines 21-34; FIG. 6).

As for claim 21, Henson discloses the method of claim 20, wherein the options for various components include pre-engineered specifications (col. 7, line 57 through col. 8, line 6).

As for claim 22, Henson discloses the method of claim 21, further comprising generating a report showing the components selected, the subtotal cost of the components, and the total cost of the piece of equipment (col. 6, lines 21-34; FIG. 6).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3639

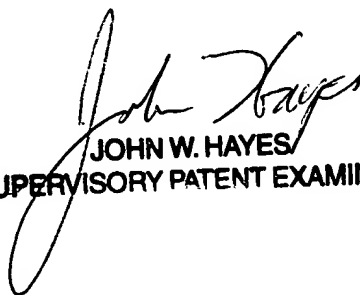
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FAN 09/18/2006



**JOHN W. HAYES**  
**SUPERVISORY PATENT EXAMINER**